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In re Application of  
William T. Freeman, et al.  
Application No. 08/906,493  
Filed: August 5, 1997  
For: **VIDEO RECORDING DEVICE  
RESPONSIVE TO TRIGGERING EVENT**

**MAIL**

Paper No. 29

NOV 10 2004

DIRECTOR OFFICE  
TECHNOLOGY CENTER 2600

DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment filed September 10, 2004, pursuant to MPEP §711.03(c) and 37 C.F.R. § 1.181(a). No fee is required.

The application was held abandoned for failure to respond in a timely manner and effective manner to the Notice of Non-Compliance mailed December 11, 2003, i.e., in reference to Appellant's brief. A Notice of Abandonment was mailed June 29, 2004.

Petitioner alleges to have timely filed a response to said Notice of Non-Compliance, on November 12, 2002. In support thereof, Petitioner provided evidence in the way of a copy of the response to the Notice of Non-Compliance, a copy of the Transmittal form, a copy of a substitute Appeal Brief and a date stamped post card receipt which itemizes the receipt of each of the above items on November 12, 2002.

A review of the file records reveals that the original response and substitute Appeal Brief filed on November 12, 2002 has been located and matched with the file. Therefore, it is concluded that the papers were timely filed in compliance with the requirements of 37 CFR 1.8(a)(1).

In view of the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Any inconvenience caused petitioner is regretted.

The petition is **GRANTED**.

The application file is being forwarded to the Technology Center's technical support staff for crediting Applicant's deposit account for the petition fee as there is no petition fee due for this type of petition. From there, the file will be forwarded to the examiner for further action in due course.

Dwayne D. Bost  
Special Program Examiner  
Technology Center 2600  
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